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| 10/813,944 | 03/30/2004 | David E. Chambers | 122704.00003 | 5789 |

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| EXAMINER |
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CHAMPAGNE, LUNA

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| ART UNIT | PAPER NUMBER |
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3627

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10/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/813,944 | Applicant(s) CHAMBERS, DAVID E. | |
| | Examiner LUNA CHAMPAGNE | Art Unit 3627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,7-12,15-18,20-24,26 and 28-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7-12, 15-18, 20-24, 26, 28-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's correspondence received on 7/14/08 is acknowledged. Claims 1, 5, 7-12, 15-18, 20-24, 26, 28-36 are presented for examination. Claims 2-4, 6, 13, 14, 19, 25, 27 are cancelled.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 7-12, 15-18, 20-24, 26, 28-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. (6,324,522 B2), in view of Lucas (6,996,538 B2), in further view of Calonge (7,072,857 B1).

Re claims 1, 11, 18, 23, 24, 31, 32, Peterson et al. teach a method of processing commercial transactions/ acquiring goods or services through an Internet website (see *e.g. col. 6, lines 31-34, 57-61*), comprising:

providing a supplier database, the supplier database including a plurality of suppliers and describing a type of product distributed by each supplier and a service performed by each supplier (see *e.g. col. 3, lines 29-38*);

receiving a request for goods or services through an Internet website, the request for goods or services including line items, each line item consisting of a manufacturer, part number, description, quantity, delivery date, geographical area preference and

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predefined grouping preference, the predefined grouping preference consisting of a type of supplier, preferred status, and association membership status (*see e.g. col. 26, lines 38-67; col. 21, lines 45-47 –predefined grouping preference; col. 8, lines 38-41-geographical area preference*);

selecting potential suppliers from the supplier database for each of the types of goods and the types of services included in the request for goods or services in accordance with the geographical area preference and predefined grouping preference(*see e.g. col. 8, lines 50-54*);

Peterson et al. do not explicitly teach receiving a return quote from each of the potential suppliers in response to the request, each return quote including a price, availability, delivery instructions, warranty information, insurance information, handling charges, expiration date, internal reference number, tax exempt status, payment terms, comments, and special instructions

However, Lucas teaches receiving a return quote from each of the potential suppliers in response to the request, each return quote including a price, availability, delivery instructions, comments, and special instructions (*see e.g. col. 4, lines 20-30*).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to modify Peterson et al. and include the step of receiving a return quote from each of the potential suppliers in response to the request, each return quote including a price, availability, delivery instructions, warranty information, insurance information, handling charges, expiration date, internal reference number, tax

exempt status, payment terms, comments, and special instructions, as taught by Lucas, in order to have the option of selecting the most suitable supplier for the buyer.

Furthermore, it is well known in the art to return quotes to potential buyers with different types of information. It is obvious that what is included in the quote depends on the type of transaction and must be suitable to each party. Therefore, it is considered a variation of Peterson et al., in view of Lucas, to include elements such warranty information, insurance information, handling charges, expiration date, internal reference number, tax exempt status, payment terms, in the quote.

Peterson et al., in view of Lucas, do not explicitly teach inspecting the request for goods or services to determine types of goods and types of services included in the request for goods or services; transmitting the request for goods or services to each of the potential suppliers; transmitting the return quotes through the Internet website to an originator of the request.

However, Calonge teaches inspecting the request for goods or services to determine types of goods and types of services included in the request for goods or services (see e.g. col. 5, lines 39-42; fig. 1); transmitting the request for goods or services to each of the potential suppliers (see e.g. col. 6, lines 4-5 and fig. 1); ; transmitting the return quotes through the Internet website to an originator of the request (*see e.g. col. 6, lines 43-46*).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to modify Peterson et al., in view of Lucas and include the

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steps of inspecting the request for goods or services to determine types of goods and types of services included in the request for goods or services; transmitting the request for goods or services to each of the potential suppliers; transmitting the return quotes through the Internet website to an originator of the request, as taught by Calonge, in order to match buyers with appropriate sellers/vendors.

Re claims 5, 7, 15, 16, 20, 21, 28, 29, 34, 35, Peterson et al. teach a method wherein the request is transmitted to the suppliers through electronic mail; the return quote is transmitted to the originator through electronic mail (*see e.g. col. 8, lines 7-9; col. 43, lines 8-15*).

Re claim 8, Peterson et al. teach a method further including the step of selecting at least one of the suppliers to supply the goods or services (*see e.g. col. 9, lines 60-65*).

Re claim 9, Peterson et al. teach a method, wherein the commercial transactions are maintained on the Internet website (*see e.g. col. 43, lines 8-25, 39-46*).

Re claims 10, 17, 22, 30, 36, Peterson et al. teach a method wherein the commercial transactions are available for searching and reporting (*see e.g. col. 33, lines 8-10; col. 43, lines 39-46*).

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Re claim 12, Peterson et al. teach a method, wherein the Internet website maintains a listing of suppliers (*see e.g. col. 1, lines 65-67*).

Re claims 26, 33, Peterson et al. teach a method wherein the originator designates a geographic area to select suppliers from the listing of suppliers (*see e.g. col. 8, lines 47-61*).

Response to Arguments

3. Applicant's arguments with respect to the previously rejected claims have been considered but are moot in view of the new grounds of rejection. Applicant's remarks are addressed in the new rejection. However, the Examiner would like to specifically elaborate on the following remark:

The Examiner disagrees with Applicant's argument that Peterson does not teach or suggest receiving a request for goods or services through an internet website. Please see, for example, column 4, lines 39-41 - Peterson teaches an Electronic Commerce feature whereby orders for the item from the end user (customer) can be placed electronically with the vendor. Line items are part of the order (*see col. 22, lines 52-54*).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUNA CHAMPAGNE whose telephone number is (571)272-7177. The examiner can normally be reached on Monday - Friday 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Luna Champagne/
Examiner, Art Unit 3627

September 30, 2008

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627